

104TH CONGRESS
2D SESSION

H. R. 3140

To prohibit gifts by lobbyists to Members of the House of Representatives, Senators, and officers and employees of the House of Representatives and the Senate.

IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 1996

Mr. FOX of Pennsylvania introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To prohibit gifts by lobbyists to Members of the House of Representatives, Senators, and officers and employees of the House of Representatives and the Senate.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PROHIBITION ON GIFTS.**

4 (a) IN GENERAL.—No lobbyist who is registered
5 under section 4 may provide any gift to a Member of the
6 House of Representatives, a Senator, or an officer or em-
7 ployee of the House of Representatives or the Senate un-
8 less the lobbyist is related to the Member, Senator, or offi-
9 cer or employee.

1 (b) DEFINITION.—

2 (1) For the purpose of subsection (a), the term
3 “gift” means any gratuity, favor, discount, enter-
4 tainment, hospitality, loan, forbearance, or other
5 item having monetary value. The term includes gifts
6 of services, training, transportation, lodging, and
7 meals, whether provided in kind, by purchase of a
8 ticket, payment in advance, or reimbursement after
9 the expense has been incurred.

10 (2) A gift to a family member of a Member, a
11 Senator, officer, or employee, or a gift to any other
12 individual based on that individual’s relationship
13 with the Member, Senator, officer, or employee, shall
14 be considered a gift to the Member, Senator, officer,
15 or employee if it is given with the knowledge and ac-
16 quiescence of the Member, Senator, officer, or em-
17 ployee and the Member, Senator, officer, or em-
18 ployee has reason to believe the gift was given be-
19 cause of the official position of the Member, Sen-
20 ator, officer, or employee.

21 (3) If food or refreshment is provided at the
22 same time and place to both a Member, Senator, of-
23 ficer, or employee and the spouse or dependent
24 thereof, only the food or refreshment provided to the

1 Member, Senator, officer, or employee shall be treat-
2 ed as a gift for purposes of subsection (a).

3 (c) EXCEPTION.—The restrictions in subsection (a)
4 shall not apply to the following:

5 (1) Anything for which the Member, Senator,
6 officer, or employee pays the market value, or does
7 not use and promptly returns to the donor.

8 (2) A contribution, as defined in section 301(8)
9 of the Federal Election Campaign Act of 1971 (2
10 U.S.C. 431 et seq.) that is lawfully made under that
11 Act, a lawful contribution for election to a State or
12 local government office, or attendance at a fundrais-
13 ing event sponsored by a political organization de-
14 scribed in section 527(e) of the Internal Revenue
15 Code of 1986.

16 (3) A gift from a relative as described in section
17 109(16) of title I of the Ethics in Government Act
18 of 1978 (Public Law 95–521).

19 (4)(A) Anything provided by an individual on
20 the basis of a personal friendship unless the Mem-
21 ber, Senator, officer, or employee has reason to be-
22 lieve that, under the circumstances, the gift was pro-
23 vided because of the official position of the Member,
24 Senator, officer, or employee and not because of the
25 personal friendship.

1 (B) In determining whether a gift is provided
2 on the basis of personal friendship, the Member,
3 Senator, officer, or employee shall consider the cir-
4 cumstances under which the gift was offered, such
5 as:

6 (i) The history of the relationship between
7 the individual giving the gift and the recipient
8 of the gift, including any previous exchange of
9 gifts between such individuals.

10 (ii) Whether to the actual knowledge of the
11 Member, Senator, officer, or employee the indi-
12 vidual who gave the gift personally paid for the
13 gift or sought a tax deduction or business reim-
14 bursement for the gift.

15 (iii) Whether to the actual knowledge of
16 the Member, Senator, officer, or employee the
17 individual who gave the gift also at the same
18 time gave the same or similar gifts to other
19 Members, officers, or employees.

20 (5) A contribution or other payment to a legal
21 expense fund established for the benefit of a Mem-
22 ber, Senator, officer, or employee that is otherwise
23 lawfully made in accordance with the restrictions
24 and disclosure requirements of the Committee on
25 Standards of Official Conduct of the House of Rep-

1 representatives and the Select Committee on Ethics of
2 the Senate.

3 (6) Any gift from another Member, Senator, of-
4 ficer, or employee of the Senate or the House of
5 Representatives.

6 (7) Food, refreshments, lodging, transportation,
7 and other benefits—

8 (A) resulting from the outside business or
9 employment activities (or other outside activi-
10 ties that are not connected to the duties of the
11 Member, Senator, officer, or employee as an of-
12 ficeholder) of the Member, Senator, officer, or
13 employee, or the spouse of the Member, Sen-
14 ator, officer, or employee, if such benefits have
15 not been offered or enhanced because of the of-
16 ficial position of the Member, Senator, officer,
17 or employee and are customarily provided to
18 others in similar circumstances;

19 (B) customarily provided by a prospective
20 employer in connection with bona fide employ-
21 ment discussions; or

22 (C) provided by a political organization de-
23 scribed in section 527(e) of the Internal Reve-
24 nue Code of 1986 in connection with a fund-

1 raising or campaign event sponsored by such an
2 organization.

3 (8) Pension and other benefits resulting from
4 continued participation in an employee welfare and
5 benefits plan maintained by a former employer.

6 (9) Informational materials that are sent to the
7 office of the Member, Senator, officer, or employee
8 in the form of books, articles, periodicals, other writ-
9 ten materials, audiotapes, videotapes, or other forms
10 of communication.

11 (10) Awards or prizes which are given to com-
12 petitors in contests or events open to the public, in-
13 cluding random drawings.

14 (11) Honorary degrees (and associated travel,
15 food, refreshments, and entertainment) and other
16 bona fide, nonmonetary awards presented in recogni-
17 tion of public service (and associated food, refresh-
18 ments, and entertainment provided in the presen-
19 tation of such degrees and awards).

20 (12) Training (including food and refreshments
21 furnished to all attendees as an integral part of the
22 training) provided to a Member, Senator, officer, or
23 employee, if such training is in the interest of the
24 House of Representatives or the Senate.

1 (13) Bequests, inheritances, and other transfers
2 at death.

3 (14) Any item, the receipt of which is author-
4 ized by the Foreign Gifts and Decorations Act, the
5 Mutual Educational and Cultural Exchange Act, or
6 any other statute.

7 (15) Anything which is paid for by the Federal
8 Government, by a State or local government, or se-
9 cured by the Government under a Government con-
10 tract.

11 (16) A gift of personal hospitality (as defined in
12 section 109(14) of the Ethics in Government Act of
13 1978) of an individual other than a registered lobby-
14 ist or agent of a foreign principal.

15 (17) Free attendance at a widely attended
16 event.

17 (18) Opportunities and benefits which are—

18 (A) available to the public or to a class
19 consisting of all Federal employees, whether or
20 not restricted on the basis of geographic consid-
21 eration;

22 (B) offered to members of a group or class
23 in which membership is unrelated to congres-
24 sional employment;

1 (C) offered to members of an organization,
2 such as an employees' association or congres-
3 sional credit union, in which membership is re-
4 lated to congressional employment and similar
5 opportunities are available to large segments of
6 the public through organizations of similar size;

7 (D) offered to any group or class that is
8 not defined in a manner that specifically dis-
9 criminate among Government employees on the
10 basis of branch of Government or type of re-
11 sponsibility, or on a basis that favors those of
12 higher rank or rate of pay;

13 (E) in the form of loans from banks and
14 other financial institutions on terms generally
15 available to the public; or

16 (F) in the form of reduced membership or
17 other fees for participation in organization ac-
18 tivities offered to all Government employees by
19 professional organizations if the only restric-
20 tions on membership relate to professional
21 qualifications.

22 (19) A plaque, trophy, or other item that is
23 substantially commemorative in nature and which is
24 intended for presentation.

1 (20) Anything for which, in an unusual case, a
2 waiver is granted by the Committee on Standards of
3 Official Conduct of the House of Representatives or
4 the Select Committee on Ethics of the Senate.

5 (21) Food or refreshments of a nominal value
6 offered other than as a part of a meal.

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